

App. No. 10/522,887

REMARKS

Entry of the above amendments is requested in view of the following remarks. Applicant submits that a deposit of seeds for the Godavari 8 and Salween 2 strains were made in accordance with the deposit requirements of 37 C.F.R. §1.803-1.804 and §1.806-1.808. In particular, the seeds for the Godavari 8 and Salween 2 strains were deposited with the American Type Culture Collection (ATCC), which is an International Depositary Authority (IDA) as established under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, in accordance with 37 C.F.R. §1.803(a)(1). A certificate of deposit from the ATCC stating that the biological material which was deposited is the seeds for the Godavari 8 and Salween 2 strains in accordance with 37 C.F.R. §1.804(b) is enclosed. The certificate of deposit also includes a statement that the ATCC will distribute and maintain the deposited material for 30 years or 5 years following the most recent request for the deposit, whichever is longer, in accordance with 37 C.F.R. §1.806. The certificate of deposit further includes a viability statement in accordance with 37 C.F.R. §1.807(a), and a statement that all restrictions imposed by the depositor on the availability to the public of the deposited biological material will be irrevocably removed upon the granting of the patent in accordance with 37 C.F.R. §1.808(a).

Since this Amendment is being submitted after the payment of the issue fee, Applicants submit herewith a fee in accordance with 37 CFR 1.17(i) and a petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.312 that the Amendment be filed before or with the payment of the issue fee. The petition includes a "showing of good and sufficient reasons why the amendment is necessary and was not earlier presented, and why justice requires waiver of the rule" in accordance with the requirement set forth in the Examiner's Amendment dated May 17, 2010.

Applicants respectfully request entry of the Amendment.

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Any questions or concerns regarding this communication can be directed to the attorney-of-record, Douglas P. Mueller, Reg. No. 30,300, at (612) 455.3804.



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Respectfully submitted,

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